

## MISSOURI RATE CASE DECISION

Judge Smith McPherson Declines to Recede From Opinion Handed Down.

### COSTS EQUALLY DIVIDED

Views of the Court Again Expresed and Upheld.

Kansas City, Mo., April 28.—A supplementary decision in the rate case, involving the eighteen railroad companies operating in Missouri, was filed in the federal court here today by Judge Smith McPherson of Red Oak, Ia.

Judge McPherson declines to recede from his first opinion, rendered on March 8 last, either in the matter of the division of the costs of the proceedings or the change in his original holding that the court cannot fix rates. In effect, the decision means that the railroads and the state must each pay one-half of the costs, which aggregate \$18,000, and that the court refuses the railroads' petition which asked it to specifically state what passenger rates they should charge.

As to the contention that the court was in error in its original opinion in that the penalties of the statutes render them void, Judge McPherson now holds that this section of the state statutes imposing penalties is void.

#### Question of Rates.

On the point of fixing the rates, Judge McPherson says, in part: "Complaint is made because of the result in my opinion that it being a legislative act and not a judicial one, this court cannot fix rates. If it could, 2½-cent passenger rates would be fixed for the stronger roads and 3 for the others. But that is for the legislature to settle. It is for the legislature to settle itself with experts, such as the state employed in these cases, or through a commission with like assistants."

"My statement that it being a legislative act and not a judicial one this court cannot fix rates is not controverted by anyone. This being so as of course, what I said as above is obiter dictum. But because it is dictum, is no reason whatever for not saying it, and still less a reason for not eliminating it from my opinion. I believed it proper to say that the strong roads should have 2½ cents per passenger per mile and the weaker 3 cents."

#### Right to State Views.

"I still adhere to those views and entertain them. I know of no reason for not stating them, with reason for believing it was my duty to state them. Passengers, like consumers, have rights. One of these rights is to be fairly treated reasonably low. But the reasonable is a comparative one. It must be in proportion to what it is worth, and the better the service the

more it is worth. And the public is entitled to have, with the right to demand, efficient service, provided always such is paid for. Much in argument was said by counsel on both sides as if an arbitrary flat rate is all that is involved, regardless of service and regardless of all other things. Whether the trains are expensive or inexpensive, daylight or night trains, through or local trains, main line or branch trains, roads through the hills of central Missouri, or the Ozarks, or over the prairies, and whether the trains carry few or many passengers, are matters largely passed over as of no importance. To me they seem of great importance. So it is as to the greatly increased cost of materials compared with ten years ago. The average paid per year, aside from the low excursion rates, is less than \$6 per year, commercial travelers excepted. To reduce that to \$4, thereby saving \$2, is of course important. So are other matters of importance.

#### Rights of Laboring Men.

"Aside from having efficient service to be had at remunerative rates, the laboring men, the employees, have rights. They have the right to be well paid for their work in the time or night time, sunshine or storm, during the excessive heat of the summer and the rigors of winter. Their hazardous and most dangerous service entitles them to remunerative compensation, which they cannot have with meagre earnings of the roads. Evidences of humanity and kindly feeling for their fellowmen need not be wholly displayed toward the man who pays \$6 per year for passenger fares. A kindly disposition would suggest an equitable division of sympathy. Thousands and thousands of them have already been 'let out,' because of decreased earnings, and more are to follow, with diminished compensation for those from necessity retained. What is the truthful answer to make these men and who is to make this answer? It is doubtful if the legislature thought this out. I decline to modify my opinion as respects this."

Mr. F. G. Fritts, Oneonta, N. Y., writes: "My little girl was greatly benefited by taking Foley's Orino Laxative for constipation and live trouble. Foley's Orino Laxative is best for women and children, as it is mild, pleasant and effective, and is a splendid spring medicine, as it cleanses the system and clears the complexion. F. J. Hill Drug Co."

Everything arranged for your pleasure, Saltair, May day dance.

Music Festival, three concerts, \$1.50. Seats Clayton-Daynes Music Co.

### DUTY ON PRINTING PAPER

Finance Committee Will Try to Have Dingley Rates Maintained—Doubtful If It Goes Through.

Washington, April 28.—The senate finance committee is understood to have practically decided to place a duty of \$5 per ton on printing paper, and of \$12.50 per ton on wood pulp, which is a slight reduction from the Dingley rate in both cases. A canvass of the senate has, however, almost convinced the committee that it will be difficult, if not impossible, to get any duty through, and as a consequence the committee is in a quandary as to how to proceed further.

The committee is giving a favorable ear to those advocating a duty of 25 to 30 per cent on crude petroleum, but no definite decision has been reached.

Senator Aldrich, as chairman of the finance committee, has prepared an amendment regulating the action of the president in carrying into effect the maximum and minimum provision of the bill.

The purpose is to place authority for the imposition of maximum rates in the hands of the president without giving him such latitude as would permit an abuse.

It is intended especially to prevent the offsetting of one article of export by another article of import, and it is believed that the section has been so drawn as effectually to accomplish this result.

#### CONTINUANCE REFUSED.

Cincinnati, April 28.—Judge Thompson in the United States district court today refused to grant a further continuance to the defense in the bucket-shop case of Lewis W. Foster, John M. Gorman, Walter J. Campbell, John M. Scott, Arthur C. Baldwin and Edwin Hell, all indicted on the charge of using the mails to further a scheme to defraud, and the case went to trial.

## SHOT THE THIEF BEFORE DYING

Logansport, Ind., Policeman Got His Man After Being Mortally Wounded.

Logansport, Ind., April 28.—"You go to h—."

A dying highwayman, shot by a policeman, who was himself fatally wounded by the thief's partner this morning, raised himself with one last supreme effort to shout this invitation at a priest bending over him with an appeal for confession. Then he fell back dead. The priest had tried in vain to get a statement of identity from him.

The highwayman, whose name is unknown, and Patrolman Joseph Kroeger were shot in a revolver duel late last night following a series of hold-ups by the dead thief and his companion. The latter, who has been identified as Charles Pierce of Scranton, Pa., was captured today. He is charged with having fired the shot that killed the policeman.

The night performance of a circus, the thugs raided the crowd with revolvers in their hands. Two of the crooks established a station on the Third street bridge. They not only held up and robbed the passersby, but they forced their victims to line up against the rail to see their successors despoiled.

Patrolman Kroeger came running, and one of the thugs shot. The policeman fell, but was able to draw his revolver and return the fire. One of the men went down. The other fled. The policeman lived only a few minutes.

A private safe may be rented in the fire and burglar proof vault of the Salt Lake Security & Trust Co., 32 up Main street, \$2.00 per year and upwards.

### DEMOCRATIC

#### PLEA FOR THE LUMBER TRUST

Continued from Page 1.

ufacturers out of their markets, you will do it by paralyzing the purchasing power of your best customers."

Mr. Gallinger declared that New England was in almost an identical position, and that arguments presented by the North Carolina senator had frequently suggested themselves to him.

The only beneficiaries of reduced or free lumber, Mr. Simmons declared, would be the great rich box manufacturers located along the Great Lakes.

The Democratic national platform of 1908, with relation to free lumber, again was thrust at Mr. Simmons, this time by Mr. Burkett and, incidentally, he stirred up a hornet's nest, because of an interruption by Mr. Heyburn, who suggested that he go slow in that matter, inasmuch as "senators on that side," meaning the Democratic side, were supporting the lumber plank of the Republican platform.

Mr. Rayner took violent exception to Mr. Heyburn's reference to "senators on that side."

"Does not the senate expect that a majority of senators on that side will vote for a lumber tariff?" inquired Mr. Aldrich of Mr. Rayner.

The latter quickly retorted that he would not vote for it.

Gaining the floor temporarily, Mr. Aldrich declared that senators were in a fair way to adjust their differences as to lumber. "Now let's waive this question of names," he said. "It is the same, whether you call it tariff for protection or tariff for revenue."

#### Aldrich Did Not Reply

Mr. Bacon asked if Mr. Aldrich would bring down the duties on wearing apparel to 10 per cent.

Mr. Aldrich accused Mr. Bacon of dodging the Democratic platform by talking about a revenue duty.

"I am a protectionist, and have the courage to say so," Mr. Aldrich exclaimed.

Confronted by Mr. Beveridge with the Democratic platform declaration for free lumber, Mr. Bacon said, referring to Mr. Beveridge:

"He knows how a committee goes out at midnight and brings in a platform and nobody cares anything about it."

So far as he was concerned, Mr. Bacon said, he did not recognize any such doctrine as binding on him when a particular article was picked out and placed on the free list, because of the view entertained by a few men.

"I can tell you when the Democratic platform was written and where," interjected Mr. Burkett, who resides in Lincoln, Mr. Bryan's home city, amid Republican laughter.

Mr. Simmons then resumed his argument. All he wanted, he concluded, was fair treatment for the lumber industry.

#### Smoot Fixing Things.

Washington, April 28.—The present prospect is that the proposed amendments by the senate committee on finance to the tariff bill will be postponed for several days, possibly till the beginning of next week.

The committee did not meet today, but Senator Smoot was in a conference for a time with the zinc producers. Later he expressed the opinion that a graduated duty on zinc ore would be substituted for the present provision. He believed this scale would amount to about one-fourth of a cent a pound on 85 per cent of the zinc in the ore in cases in which the ore contains more than 30 per cent of zinc. It is probable that in addition a differential of one-third a cent over the duty on ore will be provided for spelter and of one-half of a cent on rolled and sheet zinc. The zinc men ask a much larger protection.

#### For Free Hides.

Washington, April 28.—A committee of business men from the central west reached Washington today to confer with senate leaders in advocacy of free hides. The delegates represent independent tanning, leather and shoe interests, which contend that a duty on hides would mean advanced prices in leather goods of all kinds.

President Taft will receive them on Friday. They will tell the president that unless hides are restored to the senate to the free list, trusts will gain absolute control of the leather making industries to the detriment of a third million workers in these occupations.

The delegates also have arranged for conferences with Speaker Cannon, Secretary MacVeagh and others.

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Shredded Wheat is made of the choicest selected, white wheat, cleaned, steam-cooked and baked. Try it for breakfast to-morrow with milk or cream. The Biscuit is also delicious for any meal in combination with fresh or preserved fruits.

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## Generous Gift to St. Mark's by Grateful German Nobleman

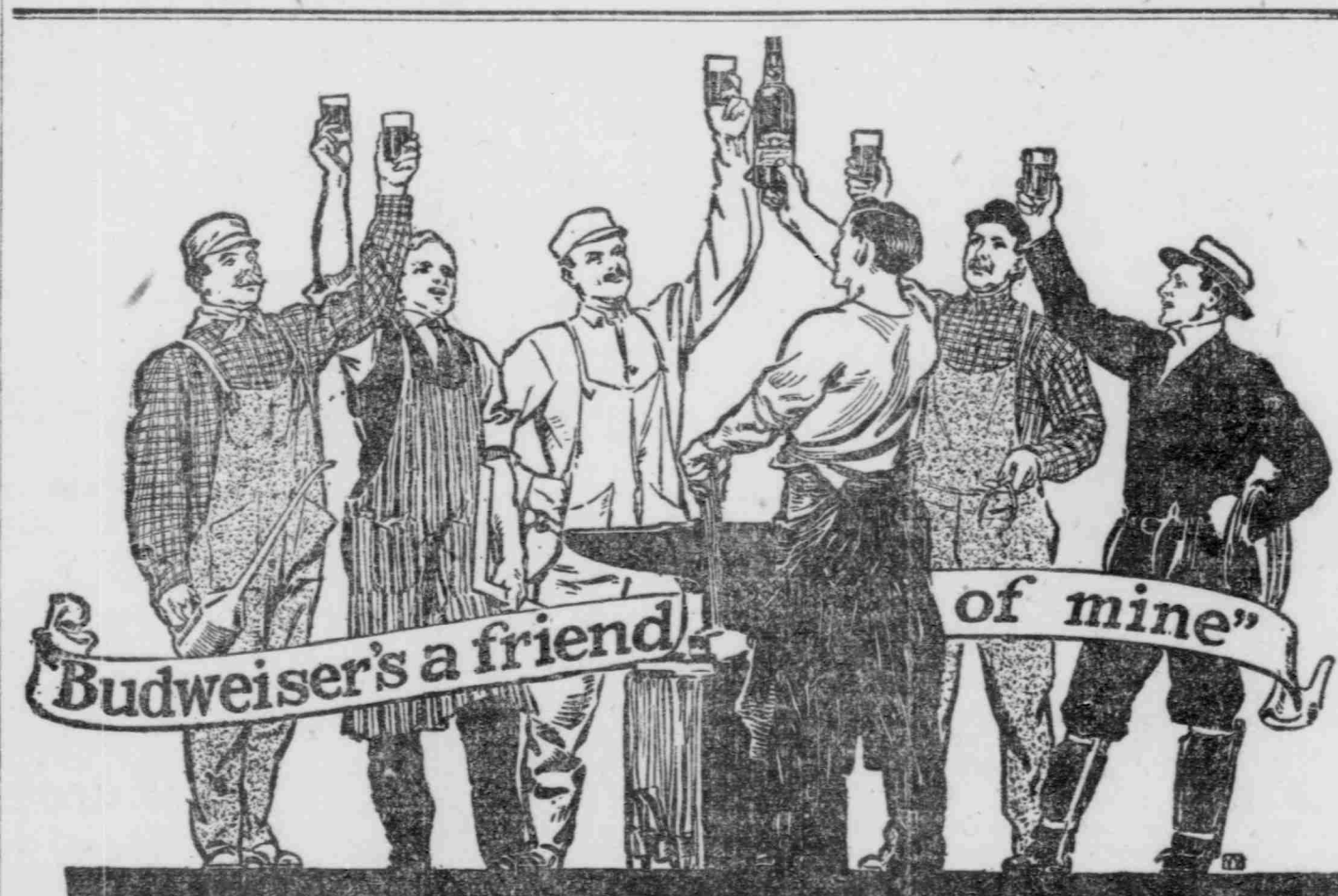
A generous gift of money, together with the gratitude of a loving father, and a memorial which shall stand as a lesson to even a good Samaritan, are to be the reward of St. Mark's hospital for a plain, simple duty, well performed. Late in the summer of 1908 a young German, Count M. Lahusen of Berlin, reached Salt Lake from the east, on his way to China. Stricken with typhoid before he reached here, he was found to be delirious

on his arrival and was taken to St. Mark's hospital. Here all that medical skill could do for him was done, but three days later he died. Although little was known of his family, it was learned shortly that he was a person of importance, as messages and telegrams came from the eastern part of this continent and from abroad. This, however, was not till after his death, when instructions came to forward the remains to Berlin for burial. The incident, said as it was, was thought to be closed. A few days ago,

however, Dr. Paul Wallick, a relative of the young man, and the representative of his father, came to this city and brought the news of the father's bequest of \$1,000 to the institution which had cared so kindly for his son, to be used to care for the room in which the young man died, and to place in that room a tablet bearing the inscription: "I was a stranger, and ye took me in."

All that is known is that the elder Lahusen is one of the German nobility, and a man of means, and that he sought this method of showing his gratitude and appreciation of the kindness and care his son received in a far distant land.

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